

MESSRS. GREUEL & RILEY
BY REQUEST OF
THE LEGISLATIVE COUNCIL

1. IN THE HOUSE

2 HOUSE BILL NO. 49

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-THIRD SESSION

5 A BILL

6 For an Act entitled: "An Act to regulate the liquor and
7 beverage industry; setting forth the
8 duties of the Liquor Board; providing
9 for the appointment of a Liquor and
10 Beverage License Advisory Board, and pro-
11 viding for the granting, suspension, re-
12 vocation, and renewal of liquor licenses;
13 prohibiting certain practices, providing
14 criminal penalties and administrative and
15 judicial relief; and repealing Sections
16 35-4-11, 35-4-12, 35-4-13, ACLA 1949, as
17 amended by Chapter 131, SLA 1953, and
18 35-4-14, ACLA 1949, as amended by Chapter
19 131, SLA 1953, and 35-4-15, ACLA 1949, as
20 amended by Chapter 83, SLA 1949, and as
21 amended by Chapter 54, SLA 1951, and Chap-
22 ters 36 and 116, SLA 1953, 35-4-16, 35-4-17
23 (B)(C), 35-4-18, 35-4-19, 35-4-20, 35-4-21,
24 ACLA 1949, as amended by Chapters 83 and
25 99 of SLA 1949, and Chapter 114, SLA 1953,
26 and 35-4-22, 35-4-23, 35-4-31, 35-4-32,
27 ACLA 1949, as amended by Chapter 70, SLA 1951
28 and Chapter 79, SLA 1953, 35-4-33, ACLA 1949,
29 as amended by Chapter 70, SLA 1951; declaring

1 an emergency."

2 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

3 Section 1. The Board of Liquor Control, (hereafter called
4 the "Board") created under Section 1 of Chapter 109 Session Laws
5 of Alaska, 1933, ratified and approved by the U. S. Congress in
6 48 Stat. 583 and composed of the Governor, the Attorney-General,
7 the Highway Engineer, the Treasurer and the Auditor (hereafter
8 called the "Director of Finance") shall have all the powers, duties
9 and functions hereinafter enumerated:

10 (a) The Board shall review all applications made under this
11 Act for beverage licenses and shall direct the Territorial Tax
12 Commissioner to issue, revoke, transfer, or suspend all licenses
13 coming within the purview of this Act. Such licenses shall be
14 issued, revoked, transferred or suspended as the Board deems
15 advisable and to be in the best interests of the public; provided,
16 however, that any denial of any license herein shall be set forth
17 in writing with the reason set forth therein;

18 (b) The Board shall have the power to hold hearings on
19 applications for licenses when such applications are protested,
20 and to require an applicant to answer any questions it deems
21 necessary and proper;

22 (c) The Board shall have power to appoint such agents, as-
23 sistants, clerks and stenographic employees as it may deem proper
24 and necessary for the efficient and effective carrying out of
25 the purposes of this Act;

26 (d) The Board is hereby granted authority to promulgate
27 necessary rules and regulations to effectuate and carry out the
28 purpose of this Act and such rules and regulations shall have the
29 full force and effect of law. Any person, firm or corporation

1 who shall violate any rule or regulation lawfully promulgated
2 shall be guilty of a misdemeanor.) The Board shall appoint advi-
3 sory boards in each judicial division which shall consider all
4 applications, renewals, transfers, or complaints pertaining to any
5 beverage licenses originating from their particular judicial divi-
6 sion and make recommendations thereon; provided, however, such
7 advisory boards shall have no authority to review any applications
8 pertaining to the issuance, revocation, transfer or suspension of
9 any beverage license originating in any incorporated city.

10 Each advisory board shall consist of five men appointed
11 as follows: one man shall be appointed by the Governor; one
12 man shall be appointed by the Attorney General; one man shall
13 be appointed by the Highway Engineer; one man shall be appointed
14 by the Treasurer and one man shall be appointed by the Director
15 of Finance. Each appointee shall be a resident of the division
16 wherein he is appointed and shall not be an interested member
17 of the liquor industry or connected with the same in any way.
18 The advisory board may hold such hearings as may be directed
19 and in the manner proscribed by the Board. The advisory board's
20 findings and conclusions shall not be binding on the Board and
21 shall be acknowledged merely as recommendations. No expenses
22 or obligations of any nature shall be incurred by the advisory
23 board, except with the written consent of the Board.

24 Section 2. The Tax Commissioner of the Territory of
25 Alaska upon direction from the Board shall issue, revoke,
26 transfer or suspend all beverage licenses coming within the
27 purview of this act. All applications for licenses under this
28 act shall be made to the Territorial Tax Commissioner who shall
29 then refer them to the Advisory Board for the Board's study.

1 and recommendations. All licenses issued hereunder, except, as
2 hereinafter limited, shall be for the period from 12:01 A.M.,
3 January 1, until 12:00 Midnight, December 31 of the new cal-
4 endar year.

5 Sec. 3. No person, firm, corporation or company shall
6 manufacture, sell, offer for sale or keep for sale, traffic in,
7 barter or exchange for goods in this Territory, any intoxicating
8 liquor except as hereinafter provided; but this shall not apply
9 to sales made by a person under provisions of law requiring him
10 to sell personal property. Whenever the term "intoxicating
11 liquor" is used in this Act it shall be deemed to include
12 whiskey, brandy, rum, gin, wine, ale, porter, beer, hoochinoo,
13 and all other spirituous, vinous, malt and other fermented or
14 distilled liquors.

15 Sec. 4. All applications for new licenses shall state the
16 name of the applicant, the length of residence within the Terri-
17 tory of Alaska of each applicant, and the kind of license de-
18 sired, and the location of the licensed premises; including
19 a legal description of the property upon which the premises are
20 located; provided, however, in the case of a corporation, the
21 length of residence of each stockholder of said corporation
22 shall be set forth. Each application shall be accompanied by
23 the fee and bond, if any is required by law and shall be en-
24 dored by five residents of the community within which the
25 licensed premises is located, attesting to the integrity and
26 moral character of the applicant and the desirability of the
27 issuing of a license for the premises mentioned therein. Prior
28 to the issuance of any new license a true copy of the application
29 for license shall be posted by the applicant at the location

1 of the premises, at the nearest Post Office and at one other
2 public location in the area, for a period of ten days prior
3 to the filing of said application, and proof of such posting
4 shall accompany the application.

5 Sec. 5. Each application for a renewal of license shall
6 contain all of the information required of a new licensee, ex-
7 cept that there shall be no proof of posting required. Each
8 application for renewal shall further contain full information
9 as to the violation of any Federal or Territorial law or re-
10 gulation covering the sale of intoxicating liquors during the
11 term of the preceding license. No license shall be renewed
12 which has not been used or active at least thirty days out of
13 the preceding year.

14 Sec. 6. Each application for a transfer of license to a
15 new location shall contain such information as shall be required
16 by the Board and shall be accompanied by proof of posting of
17 application as required in Sec. 3 herein. The transferee of
18 any license shall have all of the qualifications required under
19 this Act for a new licensee.

20 Sec. 7. No license shall be issued, reviewed, or trans-
21 ferred, unless the application therefor contains all the in-
22 formation required hereunder; nor shall any application be
23 granted which contains any false statements or material fact.
24 Any resident of an area outside an incorporated town who desires
25 to protest the issuance of a license shall serve upon the
26 applicant and the Board a statement of the grounds upon which
27 his protest is based. Upon the receipt of any protest the
28 Board may give notice and hold a hearing or delegate the
29 advisory board to hold such a hearing at which all persons

1 interested may be heard. If at such hearing it shall appear
2 that the majority of the citizens over the age of 21 years,
3 residing outside the said incorporated town and within two
4 miles of the place, for which a license is applied for, objects
5 to the issuance of such license, either in person or by peti-
6 tion, the board may refuse to issue such license.

7 Sec. 8. The Board upon receipt of each appli-
8 cation from within an incorporated town, shall notify the
9 council of that town of the receipt of said application and
10 request an advisory recommendation from said council. The
11 recommendation may be made by the council in regular or special
12 meeting and notification thereof made to the Board within the
13 time specified by the Board.

14 Sec. 9. The fee accompanying an application, less \$25.00,
15 shall be returned to the applicant in the event said application
16 is rejected, but no refund of license fees will be allowed after
17 the issuance of a license.

18 Sec. 10. An application for a license authorized under
19 this Act made before the first day of July, shall be ac-
20 companied by the full amount of the license fee as provided
21 herein. An application for a license authorized under this
22 Act made after the first day of July, shall be accompanied by
23 a fee in the amount of one half that required herein. Licenses
24 may, upon request of the applicant and approval of the Board,
25 be issued for any designated continuous period of six months
26 during any calendar year, and the fee for such licenses shall
27 be one-half that otherwise required.

28 Sec. 11. All licenses issued under this Act shall be posted
29 by the licensee in a conspicuous place under the premises, so

1 that anyone entering the premises may easily read the same.

2 Sec. 12. It shall be unlawful to give, barter, sell, or in
3 any way dispose of any intoxicating liquor, including beer and
4 wine, upon any day during which any general, special, or Primary
5 Election is held in the Territory at large until the polls have
6 been closed on such day. Municipal and other political sub-
7 divisions of the Territory may provide by ordinance against the
8 sale or disposition of intoxicating liquors therein on the day of
9 an election held solely within such municipal or other political
10 subdivision.

11 Sec. 13. No license shall be issued under this Act for the
12 sale of intoxicating liquor in any building within two hundred
13 feet of any school ground or church building measured by shortest
14 direct line from any school ground or church building, within any
15 corporate municipality, nor within one quarter of a mile of any
16 school ground or church building where such school ground or
17 church building is located outside the corporate limits of a
18 municipality. No license shall be issued for use in any building
19 within two miles of any land grant University. Provided, however,
20 a license may be reissued or transferred from one licensee to
21 another, for the sale of intoxicating liquor in any building
22 in which such sale was authorized by law on the effective date
23 of this Act.

24 When a license for the sale of intoxicating liquor in any
25 building within the proximity of any school ground or church
26 building as set forth in this section, is forfeited, no license
27 for the sale of intoxicating liquor on those premises shall there-
28 after be issued.

29 Sec. 14. It shall be unlawful for the holder of any Whole-

1 dealer's, Brewer's, Distiller's, or Bottler's License to carry for
2 sale any stock of intoxicating liquors in the Territory except
3 on the premises licensed, and it shall be unlawful for any of the
4 four above-mentioned classes to sell any such intoxicating liquors
5 from any boat or other carrier.

6 Sec. 15. No person, firm or corporation shall manufacture,
7 barter, sell or possess for sale, any intoxicating liquor in the
8 Territory of Alaska without having first procured an appropriate
9 license. All licensees under the provisions of this Act selling
10 to the general public shall be charged with the knowledge that the
11 wholesaler, distiller, importer, brewer or bottler from whom they
12 purchased intoxicating liquors is properly licensed to sell same.

13 Sec. 16. Any intoxicating liquors shipped into the Territory
14 of Alaska for purposes of sale other than to licensees hereunder
15 shall be deemed contraband and subject to confiscation by the
16 Territory and any intoxicating liquors so seized shall be sold
17 under the orders of the District Court and the proceeds thereof
18 deposited with the Territorial Treasurer and covered into the
19 General Fund, provided, however, that the provisions of this
20 Section shall not apply to sacramental wines, alcohol or liquors
21 used for pharmaceutical or medicinal purposes or liquors used
22 for filling the prescriptions of physicians.

23 Sec. 17. All licenses in effect at the time of the passage
24 of this Act shall remain in effect for the term specified thereon
25 and licenses issued under this Act shall be issued for the calen-
26 dar year ending December 31.

27 Sec. 18. No Beverage Dispensary License, or Retail license
28 shall be issued to any person or association of persons who have
29 not resided in the Territory for at least one year prior to the

1 date of the application, or to any corporation which is not
2 qualified to do business in the Territory.

3 Sec. 19. No corporation, wholesaler, owner, officer, or
4 representative of a brewery, winery, bottling works, or distil-
5 lery shall be permitted to own any interest in any Beverage
6 Dispensary or Retail Liquor Store, nor shall he or they be permit-
7 ted to finance directly, or indirectly, any license-holder in
8 procuring quarters, or supplying equipment or furnishings in
9 order to conduct such business.

10 Sec. 20. Any distiller, brewer or wholesaler, whose plant
11 or principal place of business is outside of the Territory, but
12 whose products are sold in the Territory, shall be required to
13 obtain a Wholesale License for the sale of his products in the
14 Territory, and a separate license shall be required for each
15 wholesale distributing point within the Territory. Any distiller,
16 brewer or wholesaler, not resident in the Territory, selling
17 intoxicating liquors in the Territory, shall, before soliciting
18 any business in the Territory, designate a principal place of
19 business, or headquarters, in the Territory, and appoint an agent
20 upon whom services can be had, and shall also obtain a license
21 under the provisions of this Act. This subdivision shall not
22 apply to sales made to any regularly licensed wholesaler who is
23 a resident of the Territory.

24 Sec. 21. No person or persons, other than the licensee,
25 shall have any direct or indirect financial interest in the
26 business for which the license is issued; that the licensee shall,
27 wherever possible, superintend in person the management of the
28 business for which the license is issued; but if any other person
29 is employed to manage the same, he or she shall have all the

1 qualifications of a licensee and the licensee shall be responsible
2 for the proper conduct of the business.

3 Sec. 22. All monies collected or due the Territory for
4 licenses under the provisions of this Act shall be deposited
5 with the Territorial Treasurer and covered into the General Fund;
6 all such monies collected within the incorporated cities shall
7 be refunded semi-annually to the said incorporated cities.

8 Sec. 23. Incorporated municipalities, in the Territory of
9 Alaska, may, by ordinance duly enacted, provide such additional
10 rules and regulations governing the barter, sale and possession
11 of intoxicating liquor within such municipalities as may be
12 deemed necessary to the orderly conduct of the business of selling
13 intoxicating liquor; provided, however, that such ordinance or
14 ordinance thus enacted shall not be inconsistent with this Act,
15 and that no municipality shall impose any special additional
16 taxes governing the barter, sale and possession of intoxicating
17 liquor therein.

18 Sec. 24. (A) The following licenses upon the directive of
19 the Board may be obtained from the Territorial Tax Commissioner:
20 A Beverage Dispensary License shall give to the holder thereof
21 the right to sell or serve on the premises beer, wine, and hard
22 liquors for consumption on the premises only. Provided, how-
23 ever, that the premises for which such license is issued shall
24 be connected by doors or otherwise with premises covered by
25 any other license issued under these regulations; and provided
26 further, that the sales under Beverage Dispensary Licenses are
27 limited to less than five wine gallons to any one person in any
28 one day. A Beverage Dispensary License Fee shall be Five
29 Hundred Dollars (\$500.00) in all towns, villages, settlements

1 and places of population not exceeding fifteen hundred persons
2 and One Thousand Dollars (\$1,000.00) in all towns, villages and
3 incorporated cities having the population in excess of fifteen
4 hundred persons and all applicants desiring a Beverage Dispensary
5 license, at the time of filing with the Territorial Tax Commis-
6 sioner, the applicant for such license shall also file a bond,
7 either in cash or a surety company bond, to be approved by the
8 Territorial Tax Commissioner, the condition of such bond or
9 undertaking shall be that the licensee or licensees are the sole
10 owners and that no other persons are financially interested either
11 directly or indirectly and will conduct said business in accord-
12 ance with the existing laws pertaining to the manufacture and
13 sale of intoxicating liquor in Alaska. Such bond shall be in the
14 penal sum of Twenty-five Hundred Dollars (\$2500.00). Upon
15 conviction for violation of the laws of Alaska pertaining to the
16 manufacture and sale of intoxicating liquor or upon revocation of
17 a license, said bond may be forfeited and covered into the
18 Territorial General Fund.

19 (B) A Restaurant License shall give to the holder thereof
20 the right to sell beer and wine in a restaurant with meals fur-
21 nished in good faith to guests and patrons. A Restaurant License
22 Fee is One Hundred Fifty Dollars (\$150.00).

23 (C) A Road House License shall give to the holder thereof
24 the right to sell beer and wine in a road house situated not less
25 than eighteen miles from any incorporated city and serving food
26 to the traveling public. A Road House License Fee is Seventy-
27 Five Dollars (\$75.00).

28 (D) A Club License shall give to clubs, fraternal organi-
29 zations, and patriotic organizations, that have a Territorial or

1 National Charter, and which have been so incorporated and active
2 for a period of five years or more, the right to sell intoxicating
3 liquors to members and their families only in their club rooms.
4 A Club License Fee is Two Hundred Dollars (\$200.00).

5 Clubs composed of members of the armed forces of the United
6 States may be granted a license under the provisions of this
7 subsection irrespective of the date of their organization.

8 (E) A Bottling Works License shall give to the holder there-
9 of the right to operate a Bottling Works where beer and wine may
10 be bottled and sold, but no sale of beer or wine shall be made in
11 less quantities than five wine gallons. A Bottling Works License
12 Fee is One Hundred Dollars (\$100.00).

13 (F) A Brewery License shall give to the holder thereof the
14 right to operate a Brewery where beer is manufactured, brewed,
15 prepared, bottled or barreled for sale; but no sale shall be made
16 in less quantities than five wine gallons. A Brewery License
17 Fee is One Hundred Dollars (\$100.00).

18 (G) A Retail License shall give to the holder thereof the
19 right to sell in his establishment intoxicating liquors, in-
20 cluding beer and wine, in the original packages and wine in
21 bulk. All liquor requiring Internal Revenue strip stamps shall
22 have such stamps intact upon the packages. The consumption of
23 any intoxicating liquor on the premises under this license is
24 prohibited. Provided, however, that the premises for which such
25 license is issued shall not be connected by doors or otherwise
26 with premises covered by any other license issued under these
27 regulations. Sales under a Retail License shall be limited to
28 less than five wine gallons to any one person in any one day.
29 A Retail License Fee is Three Hundred Dollars (\$300.00).

1 (H) (1) A General Wholesale License shall give to the
2 holder thereof the right to sell intoxicating liquors, including
3 malt beverages and wines, in the original package, and wine in
4 bulk, in quantities of not less than five wine gallons to holders
5 of licenses under this Act, but not to the consumer. All liquor
6 requiring Internal Revenue strip stamps must have such stamps
7 intact on the package. A General Wholesale License Fee shall be
8 as follows:

9 Upon the total amount of business transacted during any year:
10 \$500.00 as a minimum license fee, to accompany the application,
11 and in payment of the fee for the first \$50,000.00 of business
12 transacted, and, in addition thereto, on the business transacted
13 during any year, ✓

14	above \$ 50,000 and not over \$ 75,000	a fee of \$ 250.00
15	above \$ 75,000 and not over \$100,000	a fee of \$ 500.00
16	above \$100,000 and not over \$125,000	a fee of \$ 750.00
17	above \$125,000 and not over \$150,000	a fee of \$1000.00
18	above \$150,000 and not over \$175,000	a fee of \$1250.00
19	above \$175,000 and not over \$200,000	a fee of \$1500.00
20	above \$200,000 and not over \$250,000	a fee of \$2000.00
21	above \$250,000 and not over \$300,000	a fee of \$2500.00
22	above \$300,000 and not over \$350,000	a fee of \$3000.00
23	above \$350,000 and not over \$400,000	a fee of \$3500.00
24	above \$400,000 and not over \$500,000	a fee of \$4500.00
25	above \$500,000	a fee of \$5000.00

26 (2) A Wholesale Hard and Distilled Liquor License shall give
27 to the holder thereof the right to sell hard and distilled liquors
28 in the original packages of not less than five wine gallons with
29 the Internal Revenue stamps intact, to holders of licenses under

1 this Act but not to the consumer. A Wholesale Hard and Distilled
2 Liquor License may be issued upon the payment of the minimum fees
3 for a license mentioned in Sub Section (H) (1) of this Section.

4 (3) A Wholesale, Malt Beverages, and Wine License shall
5 give to the holder thereof the right to sell malt beverages and
6 wine in the original packages and malt beverages and wine in bulk
7 in quantities of not less than five wine gallons to holders of
8 licenses under these regulations but not to the consumer. A whole-
9 sale license shall be required for each distributing point. Malt
10 Beverages and Wine License Fee shall be as follows:

11 On the total amount of business transacted in any year:
12 \$100.00 as a minimum license fee, to accompany the application,
13 and in payment of the fee for the first \$10,000.00 of business
14 transacted, and, in addition thereto, on the business transacted
15 during any year,

16	above \$10,000 and not over \$ 25,000	a fee of \$ 150.00
17	above \$25,000 and not over \$ 50,000	a fee of \$ 500.00
18	above \$50,000 and not over \$ 75,000	a fee of \$ 750.00
19	above \$75,000 and not over \$100,000	a fee of \$1000.00
20	above \$100,000 and not over \$150,000	a fee of \$1500.00
21	above \$150,000 and not over \$200,000	a fee of \$2000.00
22	above \$200,000 and not over \$300,000	a fee of \$3000.00
23	above \$300,000 and not over \$400,000	a fee of \$4000.00
24	above \$400,000	a fee of \$5000.00

25 (E) A Distillery License shall give to the holder thereof
26 the right to operate a Distillery where intoxicating liquors are
27 distilled, prepared, bottled or barreled for sale, but no sale
28 shall be made in less quantities than five wine gallons, and no
29 sale shall be made in the Territory except to licensees under

1 the provisions of this Act and not to the consumer or the general
2 public. A Distillery License Fee is One Hundred Dollars (\$100.00).

3 (J) A Common Carrier Dispensary License shall give to the holder
4 thereof the right to sell intoxicating liquors for consumption aboard
5 a boat, or a railroad buffet car while in transit only. Provided, how-
6 ever, that no Common Carrier Dispensary License shall be issued for any
7 boat or vessel or less than 250 tons United States Custom House meas-
8 urement. A Common Carrier Dispensary License Fee shall be \$250.00 for
9 each such vessel, or buffet car so licensed.

10 (K) A Retail Stock Sale License shall give to the holder thereof
11 the right to sell in bulk quantities, of not less than five wine gallons
12 per sale, but not to the consumer, the entire stock of a former retail
13 liquor store, where the owner thereof is desirous of closing out
14 or terminating the business of the store. Such license shall issue
15 only when the owner does not have a retail license, but not where he
16 has been deprived of a retail license because of a violation of this
17 Act, or a violation of any other law of the Territory of Alaska. Such
18 license shall issue for a period of ninety days only for each store
19 so closing out, and shall not be renewable. A Retail Stock Sale Lic-
20 ense Fee shall be One Hundred Dollars (\$100.00).

21 Sec. 25. The Territorial Tax Commissioner upon a directive
22 of the Board shall issue a provisional license upon the payment
23 of the minimum fees for a license mentioned in Sections (H) (1)
24 and (3) of Sec. 25 of this Act and not later than February 15
25 of each year following that for which any license had been issued
26 to a licensee, said licensee shall make an affidavit showing
27 the amount of business done during the preceding year under
28 said respective licenses and the points and establishments
29 from which such business was done, which shall be filed with the

1 Territorial Tax Commissioner. The licensee shall pay to said
2 Territorial Tax Commissioner the license fees accrued during such
3 preceding year at the time of filing such affidavit. Unless such
4 affidavit is so filed and the fee paid, any licenses outstanding
5 in the name of such licensee which have been issued under the laws
6 in effect at the time of passage of this Act, shall be forthwith
7 cancelled by an order of the Board. But the failure to file the
8 affidavit or cancellation of any existing license shall not re-
9 lieve any licensee from paying the fees in this Act prescribed.

10 Sec. 26. Every brewer, distiller, bottler, jobber, re-
11 tailer, wholesaler or manufacturer, who sells intoxicating liquors
12 in the Territory of Alaska or who consigns shipments of same into
13 the Territory of Alaska, regardless of whether such liquors are
14 brewed, distilled, bottled or manufactured within or without
15 Alaska, shall pay on all malt beverages (alcoholic content of
16 one per cent (1%) or more by volume), wines and hard or distilled
17 liquors, the following prescribed taxes: malt beverages at the
18 rate of ten cents (10¢) per gallon, or fraction thereof; wine,
19 or any other liquor of twenty-one percent (21%) of alcohol by
20 volume or less, at the rate of twenty-five cents (25¢) per gal-
21 lon, or fraction thereof; any other liquors having a content of
22 more than twenty-one per cent (21%) of alcohol by volume shall
23 pay at the rate of three dollars (\$3.00) per gallon.

24 Sec. 27. Each such brewer, distiller, bottler, jobber,
25 wholesaler, manufacturer or other consignor shall on or before
26 the thirtieth (30) day of each calendar month, air mail, postage
27 prepaid, to the Territorial Tax Commissioner at Juneau, Alaska,
28 a statement containing a true account of the total number of
29 gallons, including fractional gallons, together with the re-

1 spective names and Alaskan addresses of, and itemized as to the
2 respective gallonage of each such kind of liquor sold to, or con-
3 signed to, the respective buyers or any consignees thereof which
4 such brewer, distiller, bottler, jobber, wholesaler, or manu-
5 facturer sold or consigned to retailers or consignees in Alaska
6 during the immediately preceding calendar month, and shall pay
7 monthly to the Territorial Tax Commissioner all taxes computed
8 at the foregoing or the then prevailing rates, on the respective
9 total quantities of such respective classes of liquor so sold or
10 consigned to Alaskan buyers or consignees during the immediately
11 preceding month. The monthly return shall be filed and the tax
12 paid on or before the thirtieth (30) day of each calendar month
13 to cover the immediately preceding calendar month.

14 In the case of any failure to make and file a return and
15 remit the tax within the time prescribed by law or prescribed by
16 the Board or the Territorial Tax Commissioner in pursuance of
17 law, unless such failure is due to reasonable cause and not due
18 to willful neglect there shall be added to the tax, 5 percent if
19 the failure is for not more than 30 days, with an additional 5
20 percent for each additional 30 days or fraction thereof during
21 which such failure continues, not exceeding 25% in the aggregate.
22 The amount so added to any tax shall be collected at the same
23 time and in the same manner and as a part of the tax unless the
24 tax has been paid before the discovery of the neglect, in which
25 case the amount so added should be collected in the same manner
26 as the tax; provided, that in all cases of delinquency the legal
27 rate of interest shall be assessed.

28 Sec. 28. Any person required under this Act to pay excise
29 tax, or required to make a return, keep or display any records,

1 or supply information, for the purposes of the computation, as-
2 sessment or collection of excise tax imposed by this Act, who
3 willfully fails to obtain such license certificate, pay the
4 excise tax, make such return, keep or display such records, or
5 supply such information, at the time or times required by law
6 or regulations, shall, in addition to other penalties provided
7 by law, be guilty of a misdemeanor, and, upon conviction thereof,
8 be fined not more than \$1,000.00, or imprisoned for not less
9 than one year, or both, together with the cost of prosecution.

10 Sec. 29. No application for a license shall be approved
11 for any location not licensed at the time of application where
12 the total of licensed premises in the aggregate at one time
13 would exceed one license of each type for each 1,500 population
14 or fraction thereof, within a radius of ten miles of the pro-
15 posed location, save and except that no licensee holding a
16 license shall be denied a renewal of said license for another
17 location where, because of the termination of the licensee's
18 lease on the location or because of condemnation or substantial
19 destruction of the premises by fire or other cause, it becomes
20 necessary to relocate, or where public convenience is better
21 served by said transfer. Provided, however, that in the event
22 said licensee is so deprived of his licensed location his ap-
23 plication for another acceptable location must be made within
24 three months of the time when the relocation becomes necessary.
25 In no event shall a license be transferred out of the Judicial
26 Division within which it was granted. Provided, however, that
27 licenses already issued at the time of the enactment of this
28 Act shall be renewed irrespective of such ratio, unless the
29 application shall be denied for reason other than that contained

1 in this section.

2 Sec. 30. Any person who influences or attempts to in-
3 fluence the sale, giving, or serving of intoxicating liquor,
4 including beer and wine, to any intoxicated person or to any
5 habitual drunkard or to a person under twenty-one years of age,
6 by misrepresenting the age of such person, or who shall order,
7 request, receive, or procure intoxicating liquor from any
8 licensee, employee, or other person, for the purpose of selling,
9 giving, or serving the same to a person under twenty-one years
10 of age, is guilty of a misdemeanor.

11 Sec. 31. Any person under the age of twenty-one years who
12 shall enter any licensed premise where intoxicating liquor is
13 sold, not in the company of his or her parent or legal guardian,
14 or who shall offer or present to any licensee, employee, or other
15 person a fraudulent or false certificate of birth or other writ-
16 ten evidence of age which is not actually his or her own, or who
17 shall otherwise misrepresent his or her age, for the purpose of
18 inducing the licensee or employee, or other person to sell, give,
19 serve, or furnish intoxicating liquor contrary to law, is guilty
20 of a misdemeanor.

21 Sec. 32. Any licensee, employee, or other person who ques-
22 tions, or has reason to question, whether a person entering upon
23 a licensed premise, or ordering, purchasing, attempting to pur-
24 chase or otherwise procuring or attempting to procure the serving
25 or delivery of intoxicating liquor, has attained the age of
26 twenty-one years, shall require such person to sign a statement
27 that he or she is over the age of twenty-one years. Said state-
28 ment shall be made upon a form to be prepared by and furnished
29 to the licensee, employee, or other person by the Territorial

1 Tax Commissioner. If a licensee, employee or other person, in
2 good faith, secures such a signed statement, he shall not be
3 subject to criminal prosecution for violation of Sections
4 30, 31 or this Section.

5 Sec. 33. Any licensee, employee, or other person who allows
6 to remain upon a licensed premise where intoxicating liquors are
7 sold, not in company of his or her parent or legal guardian, or
8 sells, gives, or serves intoxicating liquor to any person under
9 the age of twenty-one years, without having procured the signa-
10 ture of said person upon a statement as herein provided, or who
11 knowingly sells, gives, or serves intoxicating liquor to or
12 allows said person to remain on a licensed premise where intoxi-
13 cating liquor is sold, shall be guilty of a misdemeanor.

14 Sec. 34. Any person violating any provision of this Act,
15 or any regulation lawfully promulgated or any provision of the
16 law of Alaska pertaining to intoxicating liquor, shall be guilty
17 of a misdemeanor and upon conviction thereof shall be punished
18 by imprisonment of not more than one year or by a fine of not
19 less than fifty dollars nor more than \$500.00, each violation
20 to be considered a separate offense.

21 Provided, further, that upon conviction as above provided,
22 the commissioner, magistrate, or District Judge, as the case may
23 be, shall send a notification thereof together with the certi-
24 fied transcript of the proceedings to the Territorial Tax
25 Commissioner who may, upon the advice and directive of a majority
26 of the members of the Advisory Board, suspend, or revoke the
27 license of the premises involved as follows:

28 First Violation: The license of the premises involved
29 may be suspended for not less than 10 nor more than forty-five

1 (45) days;

2 Second Violation: The license of the premises involved may
3 be suspended for a period of not less than 30 days nor more than
4 ninety (90) days;

5 Third Violation: The license may be cancelled; the bond
6 may be forfeited.

7 Sec. 35. All employees serving intoxicating liquor in a
8 Beverage Dispensary shall be male persons over the age of 21
9 years and of good moral character. Any such employee of such
10 place violating the provisions of this Act shall be equally
11 guilty with the holder of the License and shall be punished
12 accordingly.

13 Sec. 36. Sections 35-4-11, 35-4-12, 35-4-13, ACLA 1949,
14 as amended by Chapter 131, SLA 1953, and 35-4-14, ACLA 1949,
15 as amended by Chapter 131, SLA 1953, and 35-4-15, ACLA 1949,
16 as amended by Chapter 83, SLA 1949, and as amended by Chapter
17 54, SLA 1951, and Chapters 35 and 116 SLA 1953, and 35-4-16,
18 35-4-17 (B) (C), 35-4-18, 35-4-19, 35-4-20, 35-4-21 ACLA 1949,
19 as amended by Chapters 83 and 99 of SLA 1949, and Chapter 114,
20 SLA 1953, and 35-4-22, 35-4-23, 35-4-31, 35-4-32, ACLA 1949, as
21 amended by Chapter 70, SLA 1951 and Chapter 79, SLA 1953,
22 35-4-33 ACLA 1949, as amended by Chapter 70, SLA 1951; are
23 hereby repealed.

24 Sec. 37. Any action by the Territorial Tax Commissioner
25 relating to the administrative duties imposed by this Act shall
26 be subject to review by the Board at the instance of any ag-
27 grieved party. Any action or decision by the Board relating
28 to the issuance, suspension or revocation of licenses under
29 this Act shall be final and shall be subject to judicial review.

1 Sec. 38. If any provision hercof or the application thereof
2 to any person or circumstance is held invalid, such invalidity
3 shall not affect other provisions or applications of the act
4 which can be given effect without the invalid provision or appli-
5 cation, and to this end the provisions of this Act are declared
6 to be severable.

7 Sec. 39. An emergency is hereby declared to exist and this
8 Act shall take effect immediately upon its passage and approval.

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